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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,334

Applicant(s)

KISLIAKOV, ANDREW

Examiner

Miranda Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-23 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-23 and 27-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/25/04, 03/19/04</u>  | 6) <input checked="" type="checkbox"/> Other: <u>IDS 12/31/03, 06/21/06</u> |

## **DETAILED ACTION**

### ***Preliminary Amendment***

1. Applicant's Preliminary Amendment, filed 03/19/2004, has been received, entered into the record, and considered.

### ***Information Disclosure Statement***

2. Applicants' Information Disclosure Statements, filed 06/21/06, 05/25/04, 03/19/04, 12/1/03, have been received, entered into the record, and considered. See attached form PTO-1449.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-21, 37, 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 fails to provide a practical application that produces a useful, concrete and tangible result. The last step of this claim recites a generating step. Since mere generation is not a tangible result, the claim fails to recite a tangible result as the generating step is not tangible.

Claims 2-21 are dependent upon claim 1, suffer from deficiencies similar to their respective base claim, and therefore are likewise rejected.

Claim 37 is an apparatus to perform the method of claim 1, has the same type of issues as claim 1 therefore, is rejected under similar rationale. In addition, each of the means is

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reasonably interpreted in view of the specification as just software, the claimed apparatus is not limited to embodiments which include the hardware necessary to enable any underlying functionality to be realized, instead being software per se.

Claim 40 is a computer program product to perform the method of claim 1, has the same type of issues as claim 1 therefore, is rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 2, 9, 11, 12-14, 16, 20-23, 30, 32, 37, 38, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US Pub. No 20030061369), in view of Chan et al. (US Patent No. 7,039,117).

**As to claims 1, 37, 40,** Aksu teaches a method of storing data, said method comprising the steps of:

generating at least one media file (i.e. multimedia files, [0013]) for storing data as one or more data samples (i.e. media samples, [0013; 0040]); and

generating at least one index file (i.e. data indexing of the media samples in a track, [0071]) for storing information indicating the configuration of said one or more data samples of said media file, said media file further comprising additional information (i.e. meta-data, [0013]) interspersed throughout said media file (See Fig. 5a), wherein said additional information describes at least one property of said data samples and allows for reconstruction (i.e. reconstructed media tracks, [0027]) of said index file ([0030 to 0033; 0077]).

Aksu teaches reconstruction of said index file (i.e. reconstructed media tracks, [0027]), but Aksu does not expressly teach “upon corruption thereof”.

Chan teaches “upon corruption thereof” (i.e. a corrupted video packet at col. 2, line 49).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu and Chan at the time the invention was made to modify the method for composing a multimedia file of Aksu to include upon corruption thereof as taught by Chan. One of ordinary skill in the art would be motivated to make this combination in order to replace the corrupted texture partition in view of Chan, as doing so would give the added benefit of providing best image smoothness, as taught by Chang (col. 1, line 67).

**As to claims 22, 38, 41,** Aksu teaches a method of storing video and associated text data, said method comprising the steps of:

generating at least one media file in accordance with a first file format (i.e. MPEG-4 file format, [0024]), said media file being configured for storing said video and associated data (i.e. meta-data, [0013]) as one or more samples(i.e. media samples, [0013]) ([0030 to 0033]); and

generating at least one index file (i.e. data indexing of the media samples in a track, [0071]) in accordance with a second file format (i.e. QuickTime format, [0024]), said index file being configured to stored information indicating the configured of said one or more data samples of said media file (i.e. multimedia files, [0013]) ([0031]) ([0030 to 0033; 0077; 0083]); and

adding additional information (i.e. meta-data, [0013]) interspersed throughout said media file (See Fig. 5a), said file including said additional information being readable by a media player (i.e. playback, Fig. 4) corresponding at least to said first file format, wherein said additional information describes at least a property of said data samples and allows for reconstruction (i.e. reconstructed media tracks, [0027]) of said index file ([0030 to 0033; 0077;0083]).

Aksu teaches reconstruction of said index file (i.e. reconstructed media tracks, [0027]), but Aksu does not explicitly teach “associated text data”, and “upon corruption thereof”.

Chan teaches the associated text data (i.e. textual partition in Fig. 2).

Chan teaches “reconstruction of said index file upon corruption thereof” (i.e. a corrupted video packet at col. 2, line 49).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu and Chan at the time the invention was made to modify the method for composing a multimedia file of Aksu to include the associated text data and reconstruction of said index file

upon corruption thereof as taught by Chan. One of ordinary skill in the art would be motivated to make this combination in order to replace the corrupted texture partition in view of Chan, as doing so would give the added benefit of providing best image smoothness, as taught by Chan (col. 1, line 67).

**As to claims 2, 23,** Aksu teaches said image information is used exclusively for reconstruction (i.e. reconstructed media tracks, [0027]) of said index file ([0030 to 0033]).

**As to claims 9, 30,** Aksu teaches said additional information is stored as one or more dedicated samples of said media file (i.e. The media segments may be played independently of others, as soon as the file-level meta-data and the segment's meta-data are received, thus enabling the playback to start faster than in conventional MP4 streaming, [0015]).

**As to claims 11, 32,** Aksu teaches said media file is configured in accordance with the Apple™ QuickTime™ file format (i.e. QuickTime™ format, [0024]).

**As per claim 12,** Aksu teaches said data is video data (i.e. video frame is a media sample, [0028]).

**As per claim 13,** Chan teaches said data is text data (i.e. textual partition in Fig. 2).

**As per claim 14**, Chan teaches said data is video (i.e. video packet, Fig. 1A) and associated text data (i.e. textual partition in Fig. 2).

**As per claim 16**, Aksu teaches each video sample is a separate JPEG file (i.e. JPEG format, [0026]).

**As per claim 20**, Aksu teaches the step of inserting one or more empty samples into said media file to compensate for any miss samples (i.e. Free space Atom, [0088]).

**As per claim 21**, Aksu teaches said index file contains a track referencing at least said media file (i.e. data indexing of the media samples in a track, [0071]).

6. Claims 6, 15, 27, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US Pub. No 20030061369), in view of Chan et al. (US Patent No. 7,039,117), and further in view of Courtney et al. (US Patent No. 6,424,370).

**As to claims 6, 27**, Aksu and Chan do not specifically teach said additional information comprises a timestamp indicating capture time of an associated sample.

Courtney teaches a timestamp indicating capture time of an associated sample (i.e. the vision subsystem 13 records in the meta-information the size, shape, position, time-stamp, and image of each object in every video frame, col. 6, lines 21-28).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan, and Courtney at the time the invention was made to modify the method for



composing a multimedia file of Aksu and Chan to include additional information comprises a timestamp indicating capture time of an associated sample as taught by Courtney. One of ordinary skill in the art would be motivated to make this combination in order to track each object through successive video frames in view of Courtney, as doing so would give the added benefit of detecting moving objects in video from surveillance as taught by Courtney (Abstract).

As to claims 15, 33, Aksu and Chan do not explicitly teach said video and associated text data is captured for security purpose.

Courtney teaches video and associated text data is captured for security purpose (i.e. a surveillance camera, Abstract).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan, and Courtney at the time the invention was made to modify the method for composing a multimedia file of Aksu and Chan to include video and associated text data is captured for security purpose as taught by Courtney. One of ordinary skill in the art would be motivated to make this combination in order to track each object through successive video frames in view of Courtney, as doing so would give the added benefit of detecting moving objects in video from surveillance as taught by Courtney (col. 1, lines 11-12, Summary).

7. Claims 7, 8, 10, 28, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US Pub. No 20030061369), in view of Chan et al. (US Patent No. 7,039,117), and further in view of Fuller et al. (US Patent No. 6,877,134).

**As to claims 7, 28,** Aksu and Chan do not teach said additional information comprises a resolution of an associated sample.

Fuller teaches a resolution of an associated sample (col. 8, lines 42-49).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan and Fuller at the time the invention was made to modify the method for composing a multimedia file of Aksu and Chan to include additional information comprises a resolution of an associated sample as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to encode a low-resolution and a high resolution in view of Fuller, as doing so would give the added benefit of servicing different users having different Internet connection bandwidths, as taught by Fuller (col. 8, lines 42-49).

**As to claims 8, 29,** Aksu and Chan do not explicitly teach said information of said index file comprises frame rate variation information.

Fuller teaches frame rate variation information (i.e. media properties such as frame-rates, col. 3, line 66).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan and Fuller at the time the invention was made to modify the method for composing a multimedia file of Aksu and Chan to include information of said index file comprises frame rate variation information as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to analyze visual, audio, and metadata extraction in particular situations in view of Fuller, as doing so would give the added benefit of generating metadata

descriptions that can be effectively used to index the content for downstream applications such as search and browse, as taught by Fuller (col. 4, lines 12-21).

**As to claims 10, 31,** Aksu and Chan do not specifically teach said media file configured in accordance with the Microsoft™ AVI™ file format.

Fuller teaches media file configured in accordance with the Microsoft AVI file format (i.e. Microsoft™ AVI™, col. 7, line 7).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan and Fuller at the time the invention was made to modify the method of Aksu and Chan to include media file configured in accordance with the Microsoft™ AVI™ file format as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to efficiently create, store, and transport media-rich files by combining the formatted metadata with the digital content, as doing so would give the added benefit of obtaining the most common format for audio/video data on the PC.

8. Claims 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US Pub. No 20030061369), in view of Chan et al. (US Patent No. 7,039,117), and further in view of Orr et al. (US Patent No. 6,952,236).

**As per claim 17,** Aksu and Chan do not specifically teach a plurality of copies of a corresponding text string are included in each text sample of said media file.

Orr teaches a plurality of copies of a corresponding text string is included in each text sample of said media file (i.e. generates a copy of the desired portion of Teletext data, col. 6, lines 48-49).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan and Orr at the time the invention was made to modify the method of Aksu and Chan to include a plurality of copies of a corresponding text string are included in each text sample of said media file as taught by Orr. One of ordinary skill in the art would be motivated to make this combination in order to extract the text data from a video stream in view of Orr, as doing so would give the added benefit of converting the character stream into a EIA-608 format by a line converter, wherein the character stream is parsed into one or more subtitle lines with a maximum character length, as taught by Orr (Abstract).

**As per claim 19**, Aksu teaches a method according to claim 17, wherein a second copy of said text string is configured in accordance with the QuickTime™ file format (i.e. QuickTime™ format, [0024]).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aksu et al. (US Pub. No 20030061369), in view of Chan et al. (US Patent No. 7,039,117), and further in view of Orr et al. (US Patent No. 6,952,236), and Fuller et al. (US Patent No. 6,877,134).

**As per claim 18**, Aksu, Chan and Orr do not explicitly teach a first copy of said text string is configured in accordance with the AVI™ format.

Fuller teaches text string is configured in accordance with the AVI™ format (i.e. Microsoft™ AVI™, col. 7, line 7).

It would have been obvious to one of ordinary skill of the art having the teachings of Aksu, Chan, Orr and Fuller at the time the invention was made to modify the method of Aksu, Chan, and Orr to include a first copy of said text string is configured in accordance with the AVI™ format as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to efficiently create, store, and transport media-rich files by combining the formatted metadata with the digital content, as doing so would give the added benefit of obtaining the most common format for audio/video data on the PC.

10. Claims 34-36, 39, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr et al. (US Pat. No 6,952,236), in view of Fuller et al. (US Patent No. 6,877,134).

**As to claims 34, 39, 42**, Orr teaches a method of storing at least text data in one or more files as one or more data samples, said method comprising the steps of:

generating at least one copy of said text string (i.e. generates a copy of the desired portion of Teletext data, col. 6, lines 48-49), (col. 6, lines 46-67) ; and

storing said copy of said text string in said file in accordance with a second predetermined format (i.e. EIA-608 format, col. 2, line 47), (col. 2, lines 24-51; col. 6 lines 46-65).

Orr does not specifically teach storing a text string in said file corresponding to at least one of said samples, in according with a first predetermined format.

Fuller teaches storing a text string (i.e. textual information, col. 3, line 33) in said file corresponding to at least one of said samples, in according with a first predetermined format (i.e. a storage device capable of storing the media content and the metadata, col. 4, lines 59-62).

It would have been obvious to one of ordinary skill of the art having the teachings of Orr and Fuller at the time the invention was made to modify the method of Orr to include storing a text string in said file corresponding to at least one of said samples, in according with a first predetermined format as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to provide descriptive information about the digital content in view of Fuller, as doing so would give the added benefit of having the metadata formatted and combined with the digital content in a container format such as MPEG-7, QuickTime, or FlashPix. Digital encoding mechanisms, as taught by Fuller (Abstract).

**As per claim 35**, Fuller teaches said first predetermine format is the Microsoft™ AVI™ file format (i.e. Microsoft™ AVI™, col. 7, line 7).

**As per claim 36**, Orr does not explicitly teach said second predetermine format is the Apple™ QuickTime™ file format.

Fuller teaches a predetermine format is the Apple™ QuickTime™ file format (i.e. the metadata may be formatted and combined with the digital content in a container format such as MPEG-7, QuickTime™, Abstract).

It would have been obvious to one of ordinary skill of the art having the teachings of Orr and Fuller at the time the invention was made to modify the method of Orr to include second

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predetermine format is the Apple™ QuickTime™ file format as taught by Fuller. One of ordinary skill in the art would be motivated to make this combination in order to provide descriptive information about the digital content in view of Fuller, as doing so would give the added benefit of the metadata may be formatted and combined with the digital content in a container format such as MPEG-7, QuickTime™, or FlashPix. Digital encoding mechanisms, as taught by Fuller (Abstract).

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
June 12, 2006



C. ZETA ROBINSON  
PRIMARY EXAMINER